

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Torsten WAHLER et al.

Serial No.: 10/537,905

Filed: June 6, 2005

For: Gearing

Examiner: Pang, Roger L.

Group Art: 3655

Confirmation No.: 9223

Mail Stop **Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

SIR:

In response to the Examiners answer mailed January 26, 2009, Applicant respectfully submits that the pending claims are patentably distinct over the cited references.

Claims 1 and 4 were improperly rejected under 35 U.S.C. §103(a) as unpatentable over DE 4038555 ("Fischer") in view of U.S. Patent No. 5,779,551 ("Stall").

To establish a *prima facie* case of obviousness, the prior art references must also teach or suggest all the limitations of the claim in question and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir.

1987). Here, the references, whether taken individually or in combination, do not disclose or suggest every limitation of the claimed invention.

Applicant notes that as explicitly recited in claim 1,

driving pins shaped on a lateral face of the toothed band and arranged to engage in recesses in the mating gear, ...wherein the recesses in the mating gear are radial extending grooves, wherein a difference between the outer edge and the inner edge on a circular arc does not equal 0, and wherein the difference is selected so that an outer distance between opposing outer edges of a groove is larger than an inner distance between opposing inner edges of a groove. (Emphasis added).

Applicant notes that the driving pins 5, shown in Figure 3 of the present application, mate with recesses 6 in the mating gear 7. The drive pins 5 and recesses 6 are shown in Figures 3 and 4 respectively. The shape of recesses 6 is further defined in Figure 5. As explicitly recited in the claims, it is the recess 6, which the driving pin 5 engages, that must have a difference between the outer edge 11 and inner edge 12 on a circular arc such that the difference between the 2 arcs does not equal zero and the opposing outer edges of a groove is larger than an inner distance between opposing inner edges of a groove.

The Examiner is equating the claimed driving pins, i.e., driving pins 5, with Fischer's clutch bars 6 and the claimed recesses, i.e., recesses 6, with Fischer's grooves shown in Figure 4. Applicant notes that the grooves of Fischer are shown as rectangular cut-outs such that the space between the cut-outs is trapezoidal. The Examiner then includes the teaching of Stall for the shape of the recess. However, Stall is not related to a mating connection such as the one explicitly recited in the pending claims, i.e., a pin and groove connection. Stall relates to the meshing of teeth in a pair of gears.

Stall discloses a pair of gears that mate as shown in Figure 1A. There is no disclosure of pins on a lateral face and grooves in Stall. Stall is silent with respect to a recess that receives a

driving pin in accordance with claim 1. Further, Applicant notes that there would be no reason to review the shaped portion of the gear tooth disclosed in Stall to create the recess as explicitly recited in the pending claims. The mating between two gears as disclosed in Stall, wherein teeth are intermeshed, is not applicable to the teaching in Fischer whereby a pin axially engages a slot. Therefore, because neither reference discloses the explicitly recited recess, the combination of Fischer and Stall fails to render the pending claims unpatentable. None of the references disclose a recess having the explicitly recited limitations set forth in claim 1. Therefore, claim 1 and its dependent claim are deemed to be in condition for allowance.

For the reasons set forth in Applicants Appeal Brief filed November 26, 2008 and the above remarks, Applicant respectfully submits that the Board must order the withdrawal of the pending rejections so that the Examiner can pass the pending case to issue.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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